

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

PARIS RENE POSTON,

Civ. No. 6:15-cv-02389-CL

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,


Defendant.

CLARKE, Magistrate Judge.

This case comes before the Court on an unopposed motion for attorney fees (#24) under 42 U.S.C. § 406(b). Plaintiff is due a retroactive award of benefits in the amount of \$210,257.00. A fee awarded pursuant to 42 U.S.C. § 406(b) cannot exceed 25% of the retroactive benefits. *Crawford v. Astrue*, 586 F.3d 1142, 1147 (9th Cir. 2009). Plaintiff's counsel seeks an aggregate total attorney fee of \$30,000, which is less than the statutorily permitted 25% of Plaintiff's retroactive benefits (\$52,564.25), and accounts for a reduction of \$5,007.28 in Equal Access to Justice (EAJA) fees already awarded, \$6,000 in fees paid already pursuant to the fee agreement, and a voluntary reduction of \$11,556.97. Having reviewed the proceedings and the amount of

fees sought, the Court concludes that Plaintiff's counsel is entitled to the \$30,000 fees requested. Plaintiff's Motion (#24) is GRANTED. The agency is directed to issue the § 406(b) check directly to Plaintiff's counsel in the amount of \$30,000, minus any user fee. Any amount withheld after all administrative and attorney fees are paid should be released directly to Plaintiff.

DATED this 23 day of April, 2019.



MARK D. CLARKE
United States Magistrate Judge